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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
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Civil Action No. 07 CV 5700 (SCR)

ECF CASE

HYDRIC, INC.,

Plaintiff,

v.

MCDONALD'S CORPORATION,

Defendant.

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

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The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) (is not) to be tried to a jury.

The Defendant contends that the Plaintiff has waived the right to a jury trial by failing to assert a demand for a jury trial with the time permitted under Rule 38 of the Federal Rules of Civil Procedure. Additionally, the Defendant contends that the claims asserted in this litigation are equitable in nature to which a right to a jury trial does not attach.

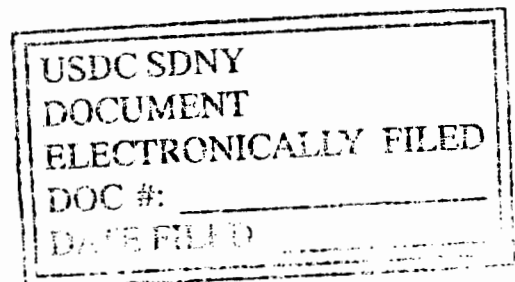
Plaintiff asserts that a jury trial has been demanded, inasmuch as the Docket Sheet stated, as of the date of the filing of the Reply to Counterclaims on July 5, 2007, that "Jury Demand: Defendant." Even assuming, *arguendo*, that a jury demand were not timely made, Plaintiff asserts that a jury trial is permitted given the absence of prejudice, the early stage of this action, the removal of the case from State Court, and the nature of the claims permitting trial by jury. See, e.g., Cascone v. Ortho Pharm. Corp., 702 F.2d 389 (2d Cir. 1983).

Joinder of additional parties must be accomplished by December 31, 2007.

Amended pleadings may be filed until December 31, 2007.

Discovery

1. Interrogatories are to be served by all counsel no later than September 28, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than September 28, 2007.
3. Depositions to be completed by January 31, 2008.



- a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any supplemental interrogatories, including contention and expert interrogatories, to be served no later than February 29, 2008.
 5. Requests to Admit, if any, to be served no later than February 29, 2008.
 6. All discovery is to be completed within ninety (90) days after completion of all depositions.

The dates above are subject to change upon the filing of motions, if any, for cause shown.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.

Initial Case Management Conference to be held on October 5, 2007 at 10:00 a.m.

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. George A. Yanthis, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

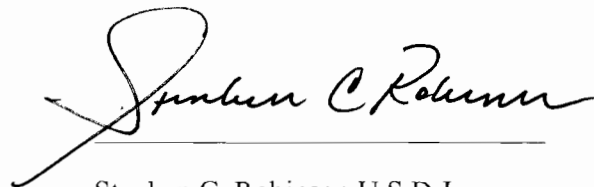
Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated: *July 30, 2007*

A handwritten signature in black ink, reading "Stephen C. Robinson", written over a horizontal line.

Stephen C. Robinson U.S.D.J.